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E.O. 12958: N/A
TAGS: [PGOV](#) [PINS](#) [MI](#)
SUBJECT: MALAWI: TREASON SUSPECTS RELEASED ON BAIL

¶1. (SBU) Summary: On May 20, the Lilongwe High Court granted bail to eight alleged coup plotters and told government that the two documents submitted as evidence failed to satisfy requirements to further detain the suspects. The eight suspects, which include three active-duty brigadier generals, had to turn in their passports, agree to report to the police on a prescribed schedule, and post a bond equivalent to 200,000 MK (1408 USD). Comment: The ruling reinforces judicial independence and respect of due process at an important time in Malawi due to the current political impasse in the National Assembly. End Summary.

¶2. (U) On May 20, Lilongwe High Court Judge Elton Singini granted bail to eight suspected coup plotters. Police arrested the eight suspects, who are facing treason charges, on May 13. The major suspects were the Secretary General of the United Democratic Front (UDF) Kennedy Makwangwala, former Malawi Defense Force (MDF) Commander General Joseph Chimbayo, and the former head of the Malawi Police Service Joseph Aironi. The other suspects included three active duty brigadier generals, a senior UDF official, and a former senior police officer.

¶2. (U) Singini ruled on two applications simultaneously, one on behalf of the accused to grant bail and one on behalf of government to extend the detention of the suspects from 48 hours to 14 days. By granting bail, the judge rejected the government's application.

¶3. (U) Singini stated his decision hinged on whether the State had presented sufficient evidence to constitute proper grounds for an order of the court to extend detention of the suspects. The Judge rejected the State's application saying the two documents it presented as evidence were both photocopies and neither was signed. Moreover, one of the documents was hand written, partially illegible, and did not have an author's name. Singini also said that neither document was properly certified as a true copy of an original, therefore failing the test to be secondary evidence.

¶4. (U) Singini granted bail with the following conditions:

(a) Each suspect must have two adults each furnish a bond equivalent to 100,000 MK (704 USD).

(b) Each suspect must report to the nearest police station on a prescribed schedule.

(c) Each suspect must surrender their passport travel and not leave Malawi without the permission of the Inspector General of Police.

¶5. (SBU) Comment: The UDF immediately pointed to the ruling as vindication of a manufactured plot, but the decision's reinforcement of judicial independence and respect for due process is also important given the current bitter impasse in the National Assembly. While the three active duty MDF brigadiers have been released and the MDF has no plans for its own investigation, military sources indicated that all three will likely be asked to retire instead of

return to their posts.

EASTHAM